

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SANDRA LOUISE WISELY,)	
)	
Plaintiff,)	7:09CV5001
)	
vs.)	ORDER
)	
MICHAEL J. ASTRUE,)	
)	
Defendant.)	

This matter is before the court sua sponte and pursuant to [NECivR 41.2](#), which states in pertinent part: "At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution." Further, [Fed. R. Civ. P. 4\(m\)](#) establishes a 120-day time limit for service of process on the defendant in a civil case, absent a showing of good cause.

In this case the complaint was filed on March 15, 2009. **See** [Filing No. 1](#). Accordingly, the deadline for service of process expired **on or about July 13, 2009**. Although the plaintiff was granted leave to proceed *in forma pauperis*, there is no proof of service of process on the defendant or evidence the appropriate summonses were issued pursuant to the court's March 16, 2009, Order. **See** [Filing No. 5](#). Therefore, the plaintiff must make a showing of good cause for the failure of timely service or the action must be dismissed. Upon consideration,

IT IS ORDERED:

The plaintiff shall show cause why this case should not be dismissed for failure to prosecute or file the proof of service electronically on or before the close of business **on August 4, 2009**.

Dated this 20th day of July, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge